

REMARKS

Status of the Claims.

Claims 1-7, and 9-38 are pending with entry of this amendment, claims 8, and 39-61 being cancelled and no claims being added herein. Claims 1, 3, 6, 7, 13, 17, 21, 24, 32, and 35 are amended herein. These amendments introduce no new matter. Support is replete throughout the specification (*e.g.*, in the claims as originally filed, in Table 4, at page 51, lines 29-30, and the like).

Sequence Listing Rules.

A replacement Sequence Listing is provided herein in order to comply with sequence rules, 37 C.F.R. §§ 1.821-1.825. In particular, corrections are made to SEQ ID NOS:218-221. A disk containing the referenced sequence(s) in computer readable form, and a paper copy of the sequence information that has been printed from the floppy disk are provided herewith. The information contained in the computer readable disk was prepared through the use of the software program "PatentIn" and is identical to that of the paper copy. The Sequence Listing introduces no new matter. Support is found in the application as originally filed.

Informalities.

The disclosure was objected to because the specification indicated that the amino acid epsilon-aminocaproic acid is abbreviated as Ahx or J in Table 1, however, it also indicates that J is C in Table 4. This is a typographical error in the caption of Table 4.

The caption of Table 4 is amended herein to clarify that J is epsilon-aminocaproic acid thereby obviating this objection..

Obviousness-Type Double Patenting.

Claims 1-7, and 9-38 were rejected under the judicially created doctrine of obviousness-type double patenting in light of claims 1 and 5-13 of U.S. Patent 6,037,137. A Terminal Disclaimer previously provided was not approved because it was signed by Akira Komoriya who was not identified as an official of the organization. A new Terminal Disclaimer signed by Akira Komoriya and identifying Dr. Komoriya as the Chief Executive Officer of Oncoimmunin Inc. is provided herewith thereby obviating this rejection.

35 U.S.C. §112, second paragraph.

Claims 4-7, 16-20, and 21-38 were rejected under 35 U.S.C. §112, second paragraph, as described below:

Claims 21-38 were rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite because the SEQ ID NO associated with the term "Gly-Gly-Gly-Gly" appeared to be incorrect. Claims 1 and 21 are amended herein to recite ". . . Gly-Gly-Gly-Gly **(SEQ ID NO:211)** . . . " thereby obviating this rejection.

Claims 4-7 were rejected under 35 U.S.C. §112, second paragraph, as indefinite because it was allegedly unclear what amino acid J represents because the caption to Table 4 identified J as "C", while Table 1 identified J as epsilon-aminocaproic acid. The caption to Table 4 is amended to recite ". . . J is epsilon-aminocaproic acid" thereby eliminating the ambiguity. Applicants also note that "J" is correctly identified in the sequence listing. Accordingly, the rejection of claims 4-7 under 35 U.S.C. §112, second paragraph, should be withdrawn.

Claims 24-27 were rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite because of the recitation of "J" and "B". The identity of "J" was allegedly ambiguous, while "B" was allegedly identified as Asx in the sequence listing while it was defined as Aib in Table 1.

The Sequence Listing is corrected with entry of the present amendment. B is clearly identified as alpha-aminoisobutyric acid (Aib), while J is clearly identified as epsilon-aminocaproic acid, thereby obviating this rejection.

Claims 16-20 were rejected under 35 U.S.C. §112, second paragraph, because claim 16 allegedly has the same scope as claim 15. Claim 15, as amended herein, depends from claim 9, while claim 16 depends from claim 1. Accordingly claims 15 and 16 have different scope thereby obviating this rejection.

In view of the foregoing, Applicants believe all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested. Should the Examiner seek to maintain the rejections, Applicants request a telephone interview with the Examiner and the Examiner's supervisor.

If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (510) 261-4161.

Beyer Weaver & Thomas, LLP

Respectfully submitted,

App. No: **09/874,350**

Page 13

500 12th Street, Suite 200

Oakland, CA 94607

Tel: (510) 663-1100

Fax: (510) 663-0920



Tom Hunter

Reg. No: 38,498

c:\toms work_prosecution - current\0300 oncoimmunin\300-903840us\300-903840us.am4.doc